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Attorneys for Defendant APPLE INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant  
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S STATEMENT  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO SEAL**

The Honorable Thomas S. Hixson

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential  
5 information based on my personal experience representing Apple. I have personal knowledge of the  
6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration  
7 in support of Apple’s Statement in Support of Administrative Motion to Seal.<sup>1</sup>

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good  
9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where  
10 documents include a company’s trade secrets, internal codenames, confidential research and  
11 development, personally identifiable information, or other commercially sensitive information. I  
12 understand that this Court has broad latitude to prevent the public disclosure of these categories of  
13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and  
15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive  
16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect  
17 the confidentiality of its information.

18 4. Apple has carefully reviewed Exhibit A to Epic Games, Inc.’s Administrative Motion to  
19 Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule 79-5 (“Epic’s  
20 Motion”) (Dkt. 1429), and now proposes to partially seal information therein that, if disclosed, could  
21 reveal personally identifiable information and competitively sensitive, non-public project codenames.

22 5. Exhibit A contains personally identifiable information in the form of email addresses of  
23 Apple employees. Exhibit A also contains competitively sensitive, non-public information regarding  
24

25  
26 <sup>1</sup> Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See*,  
27 *e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,  
No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,  
No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-  
00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple  
28 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

Apple's internal project codenames, which Apple intends to keep confidential. Public disclosure of Apple's non-public project codenames would reveal Apple's internal business decision-making and proprietary information, which could be used by competitors to gain an unfair competitive advantage over Apple and/or affect Apple's market position. Apple has narrowly-tailored its sealing request as to maximize the public's access to court documents without jeopardizing Apple's privacy or business interests. The remainder of the exhibit remains unredacted.

6. Below is a chart detailing the portions of the exhibit sealable for the reasons explained herein, as well as in Apple's statement.

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Redacted email addresses in the "From/To/Cc" columns of rows 1-3 of the privilege log.	Exhibit A	Reflects personally identifiable information
Redacted information in the "Subject" and "Original Name" columns of row 1 of the privilege log.	Exhibit A	Reflects non-public Apple project codenames

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of April 2025, in Washington, D.C.

Dated: April 11, 2025

Respectfully submitted,

By: /s/ Mark A. Perry

Mark A. Perry